UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,308	01/29/2001	Takahisa Kawade	35.C15085	5828

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EXAMINER
SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
2115	5

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/770,308	KAWADE ET AL.
	Examiner	Art Unit
	Suresh K Suryawanshi	2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 January 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 January 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka et al

(US Patent 5,933,595) in view of Suzuki (US Patent 5,848,296).

4.   As per claims 1 and 11, Iizuka et al disclose

a central processing unit [fig. 1; CPU];

a writeable memory [fig. 1; RAM];

means for external communication [fig. 1; RS-232C Interface; col. 9, lines 58-62];

operation mode selection means for selecting an operation mode [fig. 1; change-over

switch 6; col. 6, lines 26-30];

control means for stopping the operation of said central processing unit [inherently the

CPU will be stopped as there is a wait for downloading the IPL and thereafter resetting the CPU

to initiate the downloaded IPL; col. 9, lines 39-41] and writing to said memory an IPL program

transferred from the outside through said communication means when an IPL operation mode is

selected by said operation selection means [col. 8, lines 61 – col. 9, line 3], and for thereafter

canceling the stoppage of the operation of said central processing unit [col. 9, lines 39-41; the

CPU is reset].

Iizuka et al do not disclose expressly about downloading a system program. But it would

be obvious to do as it is the necessary part for a computer to function properly. However,

Suzuka clearly discloses about reading and loading various programs based on the IPL-placed in

the ram of the host computer [col. 3, line 62 – col. 4, line 3]. Therefore, it would have been

obvious to one of ordinary skill in the art to combine the cited references as both are directed to

load an IPL program from outside. Moreover, Suzuka has recognized the limitation of a ROM

not incorporated in a computer or having a built-in ROM, which does not include a bootstrap

program [col. 1, lines 53-63].

5.   As per claims 2 and 12, Iizuka et al teach that writeable memory is mapped to an area

including an address which said central processing unit first reads immediately after startup in

the IPL operation mode, and said writing of the IPL program is controlled so as to start from the

address read first [col. 7, lines 25-30].

6.   As per claims 3 and 13, Iizuka et al disclose the invention substantially. Iizuka et al do

not disclose expressly about a situation where transfer of the IPL program should be terminated

is detected, and said writing to said memory is terminated when a situation where the transfer

should be terminated is detected. However, Suzuka clearly discloses that the host computer is

notified when the loading of the IPL has been completed [col. 3, lines 42-45]. Therefore, it

would have been obvious to one of ordinary skill in the art to combine the cited references as

both are directed to load an IPL program from outside.

7.   As per claims 4 and 14, Iizuka et al disclose the invention substantially. Iizuka et al do

not disclose expressly about a situation where the transfer of the IPL program should be

terminated is detected by ascertaining that a transferred data amount set in advance has been

reached. However, Suzuka clearly discloses that the host computer is notified when the loading

of the IPL has been completed [col. 3, lines 42-45]. And it is well known in the art that the

completion of downloading is related to the transferred data amount set in downloading.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the cited

references as both are directed to load an IPL program from outside and well know technique of

indication of completion of a download.

8.   As per claims 5 and 15, Iizuka et al disclose the invention substantially. Iizuka et al do

not disclose expressly about a situation where the transfer should be terminated is detected by

detecting from transferred data a code designating termination of transfer. However, Suzuka

clearly discloses that the host computer is notified when the loading of the IPL has been

completed [col. 3, lines 42-45]. And it is well known in the art that the completion of

downloading is related to a code designating termination of transfer. Therefore, it would have

been obvious to one of ordinary skill in the art to combine the cited references as both are

directed to load an IPL program from outside and well know technique of indication of a code

designating termination of transfer.

9.   As per claims 6 and 16, Iizuka et al teach that the memory used as an IPL program

writing destination is changed according to the operation mode by changing a connection of a

bus according to the operation mode [fig. 1; change-over switch 6; col. 7, lines 25-30].

10.   As per claims 7 and 17, Iizuka et al teach that control is performed such that a check

program for checking the operation of a certain device is written to said memory together with

the IPL program, and the check program is executed when said central processing unit starts

operating [inherent to the system; fig. 1; any device connected to RS-232C interface].

11.   As per claims 8 and 18, Iizuka et al teach that the check program is a program for checking the operation of a peripheral device connected to the processor system [inherent to the system; fig. 1; any device connected to RS-232C interface].

12.   As per claims 9 and 19, Iizuka et al teach that the check program is a program for checking the state of a memory connected to the processor system [inherent to the system; fig. 1].

13.   As per claims 10 and 20, Iizuka et al teach that the check program is a program for checking the state of connection of a peripheral device connected to the processor system [inherent to the system; fig. 1; any device connected to RS-232C interface].
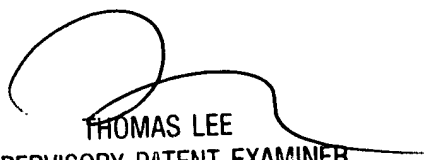
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

sks
January 5, 2004

THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100